

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ICPEP, LLC,)	
)	
Plaintiff,)	
)	Case No. 1:24-cv-01819-JRS-KMB
vs.)	
)	
SMC SPECIALTY FINANCE, LLC,)	
GARY S. RASKIN, and)	
ALASTAIR BURLINGHAM,)	
)	
Defendants.)	

**PLAINTIFF’S FIRST MOTION FOR EXTENSION OF TIME
– CONSENTED TO BY DEFENDANTS –
TO RESPOND TO DEFENDANTS’ MOTION TO DISMISS OR TO COMPEL
ARBITRATION**

Pursuant to Rule 6(b)(1)(A), Fed. R. Civ. P., and S.D. Ind. L.R. 6-1(c), Plaintiff ICPEP, LLC moves the Court for an Order extending (by 14 days) Plaintiff’s response date to Defendants’ **Motion to Dismiss Pursuant to Rule 12(B)(6) or, in the Alternative, to Compel Arbitration** (ECF Doc. 8) (“the Motions”). As good cause therefor, Plaintiff says:

1. Defendants filed the Motions, supporting evidence (ECF Doc. 8-1, 8-2 and 8-3) and initial brief (ECF Doc. 9) in support of the Motions on October 18, 2024.

2. According to S.D. Ind. L.R. 7-1(c)(2), Plaintiff's response due date is November 8, 2024.

3. The day before Plaintiff's response due date, on November 7, 2024, the undersigned is scheduled to undergo Cardiac Ablation due to a heart condition known as A-Fib, at Sarasota Memorial Hospital, to be performed by cardiac electrophysiologist Dr. Robert Eckart.

4. The undersigned, age 67, will need approximately one week to recover from the surgical procedure, hopefully in better shape than before.

5. The undersigned otherwise has a busy workload.

6. Defendants' Motions, labeled in part as a Rule 12(b)(6) motion, is really a Rule 12(b)(2) motion (personal jurisdiction), and an alternative motion to compel arbitration, in support of which Defendants' filed evidence in the form of 2 Declarations and 224 pages of exhibits. In other words, the Motions are evidentiary.

7. Plaintiff's sole owner is compiling evidence to oppose the Motions, including pouring over 500+ emails and other documents. While Plaintiff and the undersigned have been working on the response evidence and opposing brief to date, the undersigned will need the additional time to A) recover from surgery, and B) properly review, analyze and prepare an evidentiary response and brief.

8. The undersigned conferred with opposing counsel by email and phone on October 31, 2024 and on November 1, 2024 (more than 3 business days before current the deadline). Defendants' counsel, after consultation with his clients, gave his consent to Plaintiff's requested extension due to the undersigned's medical circumstances and as a professional courtesy.

9. This motion for extension of time is filed in good faith, for good cause, and not for purposes of delay.

WHEREFORE, Plaintiff respectfully requests that the Court extend Plaintiff's due date to respond to Defendants' Motions from November 8, 2024 to November 22, 2024.

Date: November 1, 2024

Respectfully submitted,
BLEECKER BRODEY & ANDREWS

/s/ David J. Tipton

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Attorneys for Plaintiff, ICPEP, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 1, 2024, a copy of the foregoing has been filed electronically through the Court's ECF system. Notice of this filing was sent to the following persons by operation of the Court's Electronic filing system:

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